



THE SUBSTANCE AND RELEVANCE OF THE CONCEPT OF MARRIAGE AGE IN CONTEMPORARY ISLAMIC FAMILY LAW: AN ANALYSIS OF THE DISCOURSE ON EARLY MARRIAGE AMONG MUSLIM FIGURES

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Abstract. This study examines the substance and relevance of the concept of marriage age within various contemporary Islamic family laws, particularly focusing on Indonesia and other muslim-majority countries. The research addresses two main problems. First, it examines the comprehensive provisions on the minimum marriage age as regulated by Indonesian law and by comparative Islamic family laws, taking into account biological, psychological, and social maturity. Second, it analyzes the relevance and alignment between statutory marriage-age regulations and the perspectives of religious figures who advocate early marriage, including their philosophical, social, and religious arguments. Employing a normative juridical approach combined with qualitative content analysis, this study reviews primary legal sources such as Law Number 1 of 1974 and its amendment through Law Number 16 of 2019 in Indonesia, the Compilation of Islamic Law (KHI), as well as scholarly literature on the alignment and conflicts between positive law and Islamic legal principles. The findings reveal that Indonesia's legal provision setting the minimum marriage age at 19 years for both men and women aligns with the maqasid al-syariah principles aimed at protecting life (hifz al-nafs), intellect (hifz al-'aql), and progeny (hifz al-nasl). Nonetheless, there remains a dichotomy in religious discourse, where some leaders justify early marriage based on traditional interpretations emphasizing baligh (puberty) and social practices. In contrast, others caution against its health and psychosocial risks, advocating adherence to statutory age limits. The study concludes by recommending a multidisciplinary, participatory approach involving government, religious leaders, local customs authorities, and civil society to enhance education, socialization, and legal enforcement, thereby effectively addressing the challenges posed by early marriage practices. This balanced framework harmonizes religious values, human rights, and legal norms toward creating healthy, prosperous, and stable families.

Keywords: Marriage age, Islamic family law, early marriage.

A. Introduction

Marriage is one of the fundamental aspects of human social and cultural life, involving not only an emotional bond between two individuals but also having broad implications

for the structure of society. In Islamic law, marriage is considered a form of worship aimed at building a harmonious, peaceful family. However, the practice of marriage is not free from various legal regulations governing the minimum age for marriage.

In Indonesia, the age limit for marriage is regulated by Law Number 1 of 1974 concerning marriage, which initially set the minimum age at 19 for men and 16 for women. However, with the amendment under Law Number 16 of 2019, the minimum age for both parties was set at 19 years. This provision aims to protect children from the health and psychological risks associated with early marriage, as well as to ensure they are ready for married life.

From an Islamic legal perspective, although there are no specific provisions regarding the minimum age for marriage, scholars agree that physical and mental maturity are important requirements before a person can marry. It aligns with the principle of *maqashid syariah*, which emphasises protecting the interests of individuals and society. On the other hand, there are religious and community leaders who encourage early marriage as a solution to avoid promiscuity and adultery, referring to the practices of the Prophet Muhammad SAW.

The debate over the age of marriage has become increasingly relevant given the phenomenon of early marriage among teenagers in Indonesia. A lack of understanding of the consequences of early marriage often leads to social problems such as divorce and reproductive health issues. Therefore, it is important to explore the substance and relevance of the concept of marriage age in various contemporary Islamic legal regulations and its impact on society (National Population and Family Planning Agency, 2022)

There are two research questions. First, what are the provisions regarding the minimum age for marriage in various contemporary Islamic family law regulations in Indonesia and other Muslim countries? Second, how relevant are the provisions regarding the minimum age for marriage in these regulations to the views of figures who advocate early marriage in the context of contemporary Islamic family law? Based on these research questions, there are two research objectives. The first research question aims to comprehensively examine the minimum age of marriage stipulated in Indonesian marriage law in Indonesia and compare it with that of other Muslim countries, as well as to examine how these provisions accommodate biological, psychological, and social maturity. The second problem formulation aims to analyse the relevance and synchronisation between legal regulations that set the minimum age for marriage and the arguments or recommendations of specific figures who support early marriage, including the philosophical, social, and religious considerations behind these recommendations. This literature review was compiled to provide a comprehensive overview of the concept of the marriage age in contemporary Islamic family law, particularly in the context of Indonesia regulations. This study outlines various legal views, laws, and regulations, as well as arguments from religious figures, related to the minimum age for marriage and the phenomenon of early marriage. It provides an overview of the existing theoretical and empirical foundations, organized by relevant discussions to facilitate the reader's understanding.

- Based on the Concept and Relevance of Marriage Age in Islamic Family Law, it is as follows:
 - The age of marriage is regulated to ensure the physical, mental, and social readiness of prospective brides and grooms, with a minimum age of 19 years

for both men and women in accordance with Law No. 16 of 2019 in Indonesia (PRESIDENT OF THE REPUBLIC OF INDONESIA, 1974).

- Classical Islamic law emphasizes physical and mental maturity as the main requirements, rather than an absolute age limit (Nugraha, 2023). Modern regulations combine the values of maqashid syariah, which prioritize the protection of life, reason, and offspring in determining the age limit for marriage (Syamsiah Nur, 2025).
- The View of the Madhhab in Fiqih on the Age of Marriage:
 - The Shafi'i school of thought sets the minimum age for marriage at around 15 for men and 9 for women, with biological maturity (baligh) as the primary requirement. This opinion is supported by an analysis of maqashid syariah, which emphasizes the physical and mental readiness of the prospective bride and groom (Abu Hanifah, 2025).
 - The Hanafi school sets a higher age of puberty, around 18 years for men and 17 years for women. Despite the age difference, he also emphasizes mental readiness and the ability to bear household responsibilities as valid requirements for marriage (Rasya, Marriage Age Limits from the Perspective of Fiqh Imams and Their Influence on the Implementation of Marriage Law in Indonesia, 2023).
 - The Maliki and Hambali schools of thought also have different age limits for puberty than for marriage. Generally, they consider 17-18 years old to be the age of adulthood, while the Hambali school is closer to the Shafi'i school. However, all agree that physical and mental readiness are the main factors in marriage (Ikhsan Alwi, 2023). The main agreement among the schools of thought is that the validity of marriage is not solely determined by age, but instead by the fulfilment of the conditions of puberty and sound mind, as well as physical and mental readiness to bear the responsibilities of marriage (Abu Hanifah, 2025).
- Development of Positive Regulations in Indonesia:
 - Law No. 1 of 1974 stipulates a minimum age of 19 years for men and 16 years for women. Following a Constitutional Court ruling and public protests, Law No. 16 of 2019 harmonized the minimum marriage age to 19 years for men and women (Directory of Decisions of the Supreme Court of the Republic of Indonesia, 2017). The main objectives are the protection of children's rights, reproductive health, and psychological readiness for marriage.
- Comparison of Marriage Age in Several Southeast Asian Countries:
 - Indonesia sets the minimum marriage age at 19, while Malaysia sets it at 18 (Adi Gunawan Harahap, 2025). Singapore and Brunei Darussalam also set the same age, which is around 18 years old (Joni, 2024). The variation in age reflects adjustments to the social and cultural contexts of each country.
- Health and Psychological Aspects of Early Marriage:
 - Early marriage among adolescent girls contributes to an increased risk of pregnancy complications such as pre-eclampsia, premature pregnancy, anemia, and postpartum hemorrhage, which are dangerous for both mother and baby. In addition, low productive health knowledge exacerbates these risks (Gusmawati, 2025).

- Children who marry early tend to experience mental stress, anxiety, and vulnerability to domestic violence, in addition to low social and educational challenges (Zelharsandy V. T., 2022).
- Social and Cultural Factors Causing Early Marriage:
 - Social and cultural factors that encourage early marriage include social norms that consider menstruation and physical readiness as signs of readiness for marriage, social pressure to maintain family honor, and family poverty that forces children to marry in order to reduce the economic burden. It is also stated that low levels of education and understanding of children's rights exacerbate the phenomenon of early marriage (Sela Rahmadana Sari, 2025).
 - Poverty, low education, and socio-cultural pressures such as patronization and maintaining family honor are significant drivers of early marriage in specific communities (Rima Hardianti, 2020).
- The Maqashid Syariah Approach to Marriage Age:
 - Determining the minimum age for marriage is part of an effort to achieve benefits while preventing harm, in line with the objectives of maqashid syariah, which include protecting life, intellect, and the age of marriage. It is a strategic step toward preparing families to be physically, psychologically, and socially healthy (Ropei, 2021).
 - Law No. 16 of 2019, which raises the minimum age of marriage to 19 years, better protects women from the risks of early marriage while providing space for educational and social development, which is in line with the protection of maqashid syariah for life and offspring. This article examines the alignment between positive law and the objectives of Sharia law regarding marriage-age restrictions (Hasbullah, 2024).
- Views of Religious Leaders and Organizations on Early Marriage:
 - Early marriage remains a significant phenomenon among Generation Z in Indonesia despite the minimum age limit stipulated in Law No. 16 of 2019. Several religious leaders believe that marriage must reflect spiritual and physical maturity to fulfil its purpose: creating a harmonious and prosperous family. Religious organizations such as Nahdlatul Ulama allow it on the condition of physical and mental readiness as a traditional solution in certain situations. Meanwhile, Muhammadiyah emphasizes the need to follow the minimum age limit of 19 years in accordance with state regulations to protect women from the health and psychological risks of early marriage. The Indonesian Ulama Council (MUI) recognizes the validity of marriage as long as it meets the pillars and requirements. However, it supports the 19-year age limit to minimize the negative impacts of child marriage (Dinar Aura Suryaputri, 2025).
 - Intentions and mental readiness are the focus of religious organizations such as the Nadlatul Ulama Female Student Association (IPPNU), which is active in educating people about rejecting early marriage. IPPNU emphasizes the need for psychological, emotional, and economic readiness before entering into marriage to ensure family harmony and reduce negative impacts such as dropping out of school, domestic violence, and reproductive health problems. IPPNU, along with religious institutions and government partners, plays a role in counselling and campaigns that combine religious values and legal

regulations to instill in adolescents an understanding of the importance of education and thorough preparation before marriage (Aura Jannah, 2025).

- Challenges and Strategies for Addressing Early Marriage:
 - The Ministry of Women's Empowerment and Child Protection (KEMEN PPPA) and the Ministry of Religious Affairs explained that the main challenge in efforts to combat child marriage is the lack of supervision of marriage dispensations. Strategic programs such as the School-Age Youth Guidance Program (BRUS), the Planned Generation Program (GenRe), and the implementation guidelines for the National Strategy for the Prevention of Child Marriage (Stranas PPA) are being intensively promoted to build collective awareness of the importance of delaying marriage until the appropriate age (Susiana, 2025).
 - Collaboration between the government and civil society organizations is key to addressing early marriage. Education and empowerment of women through social and cultural approaches are the main strategies, supported by apparent regulatory strengthening and appropriate religious understanding to encourage changes in social practices (Nazira Aulia Az-Zahra, 2025).

This study uses a normative legal research approach with a literature review method. The data used consists of primary legal materials, including laws and related regulations, such as Marriage Law No. 1 of 1974 and its amendments, and the Compilation of Islamic Law (KHI), as well as secondary legal materials in the form of academic literature and relevant opinions from religious scholars. Data collection was carried out systematically by examining all laws, regulations, and legal documents related to the minimum age for marriage and views on early marriage. The collected data were then analyzed qualitatively using content analysis to understand the substance of the regulations and their compatibility with the values of maqashid sharia. This method aims to provide a comprehensive picture of the synchronization between national law and Islamic legal principles, as well as leaders' views on early marriage. This approach is particularly appropriate for research oriented towards normative studies and legal doctrine analysis, so that the results can contribute to the development of Islamic family law in Indonesia.

B. Method

This study applies a method also referred to by Soemitro as the normative juridical method, which involves analyzing legal norms and principles in existing legal documents (Online Public Acces Catalog of the Yogyakarta Regional Library and Archives Office, 1990), as well as by Soerjono Soekanto, who states that normative juridical legal research involves careful examination of reference materials and secondary data as the basis for investigating legal issues (Dr. Muhaimin, 2020). The research approach uses primary, secondary, and tertiary legal sources to provide a detailed description of legal phenomena. By using this approach, the research can address the problem formulation regarding the substance and relevance of marriage-age regulations in contemporary Islamic family law and their harmonization with positive rules and religious views, providing valid and comprehensive contributions in accordance with the research title.

C. Result and Discussion

The Concept of Marriage Age in Islamic Law

One of the central themes and fundamental principles of Islam is egalitarianism, namely equality among human beings — both men and women — and between nations, tribes, and lineages. It is implied in al-Hujurat (49):13 (nuonline, n.d.) One perspective on gender in the Qur'an is that it not only regulates the harmony of gender relations and interactions between men and women in the community, but more than that, the Qur'an also regulates the balance of relations between the microcosm (humans), the macrocosm (the universe), and God. The concept of pairs (azwaj) in the Qur'an is not limited to humans, but also includes animals (al-Syura (42):11). (nuonline, n.d.). And the plants Thaha (20):53 (nuonline, n.d.). However, it also applies to the tiniest particles, such as atoms and antiatoms, confirming the perfection of God's creation. Modern scientific discoveries further strengthen this understanding. In addition, creation in pairs reflects the balance between opposites such as good and evil, light and darkness, as part of a harmonious natural order under the power of the one God. With the development of science, humans are increasingly able to understand the depth of the Qur'an's meaning, which remains relevant to the progress of the times (Hashim, 2020).

The significant role of religious law, including Islamic law, in marriage in Indonesia necessitates a study on the equality of the minimum age for marriage, with the issuance of new legislation that equalises the minimum age of marriage for men and women being a positive step for all Indonesian citizens, including Muslims, in fighting for human rights. There is a need to revise Article 15, paragraph (1), of the Compilation of Islamic Law to align the minimum marriage age with Law No. 16 of 2019, amending Law No. 1 of 1974 on Marriage.

Views of the Madhhab on the Age of Marriage

In Islamic law, there are no explicit provisions in the Qur'an or hadith regarding the minimum age for marriage. However, scholars from the four main madhhabs in Islamic fiqh differ on the age of marriage, generally based on signs of physical and mental maturity (baligh).

According to the Shafi'i school of thought, the minimum age for marriage is 15 years for men and 9 years for women. However, it also recognises that biological signs, such as menstruation in women and wet dreams in men, can determine maturity. This school emphasises the importance of physical maturity before marriage (Rasya, 2023). The Hanafi school of thought sets the age of puberty at 18 years for males and 17 years for females. In addition, the Hanafi school of thought also considers rational ability to marry.

According to the Maliki school of thought, the age of maturity for marriage is 18 for both men and women. This school emphasises the importance of physical and mental maturity, and considers the signs of puberty as indicators of readiness for marriage. In line with the Shafi'i school of thought, the minimum age for marriage is set at 15 years for both men and women, but it still allows for earlier marriage if there are biological signs of puberty (Asrori, 2015). The four schools of thought agree that physical and mental maturity are the main requirements for marriage, though they differ on the minimum age. In the current context, the age limit for marriage is also regulated in Indonesian positive

law, with a minimum age of 19 for both men and women, to protect children's rights and ensure the couple's physical and mental readiness.

Marriage Age Limits in Positive Law in Indonesia

Marriage age limits in Indonesia have undergone significant changes in recent years in response to the need for child protection and efforts to create gender equality—initially, Law No. 1 of 1974 (State Secretariat of the Republic of Indonesia, 2019). The Marriage Law stipulates that the minimum age for marriage is 19 years for men and 16 years for women. This provision was in line with the social and cultural values of the time. However, in practice, it has caused many problems, particularly in relation to the high rate of child marriage and the negative impacts this has, such as problems with health, education, and domestic instability.

This issue prompted various parties, including civil society and child protection agencies, to file a judicial review with the Constitutional Court (MK) against Article 7, paragraph (1), of the Child Protection Law. The Constitutional Court then granted the petition through Constitutional Court Decision Number 22/PUU-XV/2017 (Constitutional Court, 2017). In its ruling, the Constitutional Court emphasised that the state is obliged to provide equal protection for every child regardless of gender. It gave lawmakers three years to make the necessary changes.

As a follow-up to the Constitutional Court's decision, the government and the House of Representatives revised the Marriage Law through Law Number 16 of 2019. This revision explicitly equalises the minimum marriage age for men and women to 19 years. This change aims to provide better protection for children's rights, prevent early marriage, and ensure that couples who are about to marry are physically, mentally, and emotionally ready. However, the law still provides for exemptions for those who have not reached this age, but they must go through a court process with very compelling reasons.

The implications of this change in the minimum marriage age are enormous for Indonesian society. In addition to increasing protection for children, this policy is also expected to reduce the number of child marriages, which have been one of the causes of high divorce rates, poverty, and reproductive health problems. Furthermore, setting the same minimum marriage age for both men and women is an important step toward achieving gender equality in Indonesia. However, challenges remain, particularly in field implementation, such as the practice of dispensations, which is still relatively high in some areas, and the need for more intensive education and socialisation of the community on the importance of delaying marriage for a better future. Thus, the minimum age for marriage, as revised by the law and the Constitutional Court's decision, is a step forward in efforts to protect children and achieve gender equality in Indonesia. However, joint efforts from various parties are still needed to ensure its effective implementation across all levels of society.

Comparative Analysis of Regulations on Marriage Age in Positive Law and Sharia Law

The comparison of regulations on the age of marriage in positive law and Sharia law in Indonesia highlights the complexity of integrating religious norms with the dynamic development of state law. Indonesian positive law explicitly stipulates a minimum age of 19 years for both men and women in Law No. 16 of 2019 on Marriage. This regulation is

not only based on legal principles but also takes into account empirical and psychological findings indicating that a person only reaches adequate physical and mental readiness at that age. The aim is to protect citizens, especially women and children, from the high risks of reproductive health problems, dropping out of school, and psychosocial development barriers that often follow early marriage. Thus, positive law serves as an adaptive umbrella for human rights protection in line with the needs of the times without having to ignore prevailing religious norms (Wiwin, 2023).

Conversely, traditional Sharia law, which refers to the concepts of *baligh* and *rusyd* as indicators of readiness for marriage, tends to provide flexibility in determining the age of marriage. There is no standard age in classical texts, because readiness for marriage is more directed at the biological and intellectual maturity of each individual. This provision refers to the principles of *fiqh* that allow for *ijtihad* in light of the urgency and socio-cultural context of different communities. Various *fiqh* schools of thought, such as Hanafi, Maliki, Shafi'i, and Hanbali, differ in interpretation but agree that readiness is key to the validity of marriage. It opens the door to early marriage among traditional communities, but it also requires a modern approach that considers legal protections and the public interest (Syamsiah Nur, 2025).

Harmonisation efforts are carried out through the Compilation of Islamic Law (KHI), which adopts positive legal values while taking into account Sharia principles. The KHI stipulates that a valid marriage must meet sharia requirements and legal provisions, including a minimum age limit or dispensation approval from the competent authority if the prospective bride or groom has not reached the ideal age. This approach demonstrates an awareness of the importance of balancing traditional religious values with the need for modern legal protection, while avoiding the harms that can arise from early marriage (Ahmad Fernanda, 2024).

This comparative analysis becomes even more complex when looking at practices and policies in various countries with Muslim-majority populations. Countries such as Egypt, Malaysia, and India have different age limits for marriage, which are influenced by interpretations of Islamic law and their respective social and cultural policies. For example, Egypt has set a minimum age of 18 (Fathul Mu'in, 2020), while India is seeking to raise the minimum age for women to marry to 21 to protect the rights of women and children to education and health. These variations show that the minimum age for marriage is not just a matter of numbers, but rather a contextual and dynamic legal and social strategy based on the needs of the community.

Furthermore, this comparison emphasizes the importance of integrating the principles of *Maqashid Syari'ah*, which prioritise the protection of life (*hifzh an-nafs*), intellect (*hifzh al-'aql*), and offspring (*hifzh an-nasl*), with the need for positive legal regulations to ensure the welfare of the people. This approach allows Indonesian marriage law to remain relevant and effective as an instrument for regulating the lives of a modern community, balancing religious demands and human rights, and accommodating global social change without sacrificing the fundamental principles of religion.

Marriage Age Limits in Southeast Asian Countries

The minimum age for marriage in Southeast Asian countries varies widely, influenced by each country's legal, cultural, and religious factors. In Indonesia, the minimum age for

marriage has been set at 19 years for both men and women, following the revision of Law No. 1 of 1974 by Law No. 16 of 2019. This policy aims to protect children's rights and ensure the physical and mental readiness of couples before marriage. Meanwhile, in Malaysia, the minimum age for marriage is generally 18 years for both men and women according to civil law. However, Sharia law in some states still allows marriage below that age, which is strictly prohibited by law. In Singapore, the minimum age for marriage is 18, but couples under 21 must obtain parental consent. Other countries, such as Brunei Darussalam and Cambodia, also set the minimum age at 18 years old, with the possibility of exemptions in certain situations (IAIN Palangkaraya, 2024).

In general, trends in Southeast Asia show an increase in the minimum age of marriage to reduce child marriage rates and protect the rights and future of the younger generation. However, in practice, there are still loopholes or exceptions in some countries that allow marriage below the established age, mainly for religious or cultural reasons. This policy demonstrates countries in the region's efforts to balance child protection, traditional values, and the demands of social change (IAIN Palangkaraya, 2024).

A Holistic Approach to Preventing Child Marriage: Integrating Medical, Psychological, Social, and Economic Aspects.

Underage marriage has profound implications for physical and reproductive health, especially for girls whose reproductive organs are not yet biologically mature. Mothers who marry early are at high risk of anaemia, pre-eclampsia, miscarriage, and complications during childbirth, such as obstructed labour and extensive tearing of the birth canal, which can endanger the reproductive organs and the lives of both mother and baby. Babies born to young mothers are also more likely to have low birth weight (LBW) and be born prematurely, which can lead to developmental disorders and increased mortality rates (Zelharsandy V. T., 2022).

According to data from the World Health Organisation (WHO), teenage pregnancy carries a high risk of anaemia, infection, and child development disorders (World Health Organisation, 2024). In addition, underage marriage increases the risk of pregnancy and childbirth complications, including the need for caesarean sections due to the physical unpreparedness of young mothers. These health impacts are exacerbated by a lack of access to and knowledge about reproductive health and adequate nutrition during pregnancy, leading to an increased risk of sexually transmitted infections, including HIV and cervical cancer, which contribute to high maternal mortality rates among young women. Overall, underage marriage poses significant reproductive health risks, such as anaemia, pre-eclampsia, postpartum haemorrhage, and childbirth complications that threaten the safety of mothers and babies (Kusuma, 2024).

From a psychological perspective, the article entitled *"Child Marriage in Indonesia: Progress on Pause"* (UNICEF, n.d.). Reveals that children who marry early tend to experience mental stress, anxiety, depression, and loss of opportunity to develop their potential through education. They are not emotionally ready to assume the responsibilities of household management and parenthood. This condition is exacerbated by the higher risk of domestic violence among young couples, due to mental unpreparedness and social pressure.

From a social perspective, these factors play an important role in underage marriage in Indonesia. Strong socio-cultural factors are often the primary trigger for underage

marriage. For example, in many communities, underage marriage is considered normal and has even become a tradition that is difficult to change. Social norms that associate marriage with family honour make parents feel pressured to marry off their daughters early to avoid negative stigma, such as being considered an 'old maid' or being slandered in the community. In addition, the low level of education of parents and children exacerbates this situation due to a lack of understanding about the adverse effects of underage marriage and limited access to adequate information.

Traditions and customs are dominant factors that encourage the early marriage of girls. For example, the practice of arranged marriages passed down from generation to generation, beliefs in mystical things such as possession, which are considered to be overcome by marrying off children, and social pressure to maintain the honour and lineage of the family are the main reasons why underage marriages continue to take place (Hariastuti, 2020). In addition, in some regions of Indonesia, such as Madura and Tana Toraja, cultural norms that consider girls who have started menstruating and boys who have started working to be ready for marriage are a strong trigger for underage marriage. In these cultures, delaying marriage is considered a family disgrace, so parents feel compelled to marry off their children even though they are not yet of the legal minimum age for marriage. This tradition is considered a heritage from ancestors that must be preserved, so legal policies are often difficult to implement effectively without changes in social norms (Bawono, 2022).

This phenomenon is also reinforced by the fact that socio-cultural factors such as patrilineal norms, social pressure, and religious interpretations used to legitimise child marriage are still very strong in some areas, including Sumenep Regency. The community there still maintains the tradition of underage marriage as part of the social structure and cultural values that have been passed down from generation to generation. It has resulted in high rates of child marriage despite regulations that raise the minimum age for marriage (Nafis, 2024).

From an economic perspective, this issue is also closely related to socio-cultural aspects. Many families facing economic difficulties see underage marriage as a solution to reduce the financial burden on the family, with the hope that married children can help meet household needs or at least no longer be a burden. However, in reality, early marriage actually adds new burdens because young couples are often not yet ready economically and educationally (SUPREME COURT OF THE REPUBLIC OF INDONESIA, SLAWI RELIGIOUS COURT CLASS IA, 2024).

Thus, a holistic thematic discussion of the minimum age for marriage requires integration between legal, religious, health, educational, and social protection aspects. Massive socialisation efforts and continuous education are needed so that the community understands the importance of delaying marriage to create healthy, harmonious, and high-quality families while preventing the negative impacts of early marriage. This approach also emphasises that legal changes must be accompanied by shifts in the community's mindset and culture to achieve the goals of child protection and family development fully.

The Relevance of Maturity and Marriage Age in the Principles of Maqashid Syari'ah

The relevance of maturity and marriage age to the principle of maqashid syari'ah is crucial for ensuring the welfare of individuals and society. Restrictions on the ideal

marriage age should be based on the principle of maqashid syari'ah, which includes protection of five main aspects: hifz al-nafs (preserving life), hifz al-'aql (preserving the intellect), hifz al-nasl (preserving lineage), hifz al-mal (preserving wealth), and hifz al-din (preserving religion) (Hasbullah, 2024).

From the perspective of hifz al-nasl, a mature age ensures the physical readiness of the bride and groom, thereby reducing the risk of pregnancy and childbirth complications that are dangerous for the mother and baby. Meanwhile, from the aspect of hifz al-'aql, maturity in marriage ensures mental and intellectual readiness to face household responsibilities, thereby preventing stress and conflict that can damage family harmony (Hamidah, 2021).

In addition, hifz al-nasl emphasises the importance of maintaining the continuity and quality of offspring. Marriage at the appropriate age helps ensure that children are born healthy and receive good care. The aspect of hifz al-mal is also relevant because economic readiness that accompanies the maturity of marriage age helps create financially independent, stable families. Meanwhile, hifz al-din refers to spiritual and religious readiness, and marriage at a mature age allows couples to run their household in accordance with Islamic law (Muawwanah, 2017). Thus, restrictions on the age of marriage that take into account physical, mental, social, and economic maturity are highly relevant and in line with the principles of maqashid syari'ah, particularly in terms of protecting life (hifz al-nasl), intellect (hifz al-'aql), and offspring (hifz al-nasl).

The negative implications of early marriage as viewed from the perspective of maqashid syari'ah indicate that the minimum age requirement for marriage is a concrete form of legal protection for the benefit of the people. Law No. 16 of 2019 on Marriage, which raises the minimum age for marriage to 19 for both men and women, is a manifestation of the application of maqashid syariah within national regulations. It aims to ensure that marriage does not become a source of harm and suffering, but instead brings blessings and prosperity to the couple and their descendants.

The principle of maqashid also emphasises the compatibility of law with the socio-cultural context and scientific progress. Therefore, the rules on the age of marriage must be flexible in their application while remaining grounded in the greater good and the benefit to society. The maqashid syari'ah-based approach provides a strong normative basis for marriage laws to be humanistic and adaptive, thereby protecting the rights of women and children in the face of early marriage while adapting to the demands of the times without neglecting religious values. In addition, maturity, which is a prerequisite for marriage, also affects the quality of the husband-wife relationship, child care, and long-term family resilience. Therefore, determining the minimum age is not only an administrative or legal formality but also an essential requirement for achieving the objectives of marriage law and forming high-quality, sustainable families. In this regard, the roles of institutions, the government, and society are crucial in implementing education and oversight to ensure that regulations grounded in the objectives of Islamic law are effectively enforced.

Overall, maturity and relevant age for marriage in the principles of maqashid syari'ah are not only legal measures, but also important vehicles for realising the welfare of individuals and society. It implies that Islamic family law norms must continue to be

developed and socialised to respond to society's dynamics while still prioritising Sharia principles for the welfare of families and society at large.

Views of Figures Who Encourage Early Marriage

Several figures and scholars have advocated early marriage for various reasons, particularly those related to religion, society, and morality. In Islam, there is generally no explicit minimum age limit in the Qur'an and Hadith, but marriage is recommended when a person is physically, mentally, and emotionally mature. Leaders such as Buya Hamka believe that early marriage is not entirely prohibited as long as it is done at the right time and with careful preparation, so that the marriage can run harmoniously and bring benefits.

Another view that advocates early marriage is based on the argument of preserving morality and religion (*hifz al-din*), namely, to avoid adultery and slander that often occur among teenagers. In this context, early marriage is seen as a preventive solution so that teenagers can live a life in accordance with Islamic law. However, scholars such as Ibn Syubromah emphasise that marriage before puberty is not recommended and is even considered invalid, because the essence of marriage is the fulfilment of biological needs, which can only be done after reaching physical maturity. The Indonesian Ulema Council (MUI) also states that early marriage is valid as long as it meets the requirements and pillars of marriage, but it becomes haram if it causes harm; hence, the minimum age limit of 19 years is applied to safeguard the public interest and prevent health and psychological risks (Ihzar, 2024).

Nahdlatul Ulama (NU) figures in Yogyakarta have shown significant dualism in their thinking regarding underage marriage between the pesantren kiyai (religious leaders) and university lecturers. Pesantren kiyai tend to allow child marriage as long as the prospective bride and groom have reached puberty and are physically and mentally ready. They base their views on classical Islamic law, which emphasizes readiness for adulthood as the primary criterion for determining the validity of a marriage, rather than simply the legal age, in the socio-cultural context of Islamic boarding schools and the surrounding community. In contrast, university lecturers require a minimum age of 19 due to considerations of psychological, social, and reproductive health maturity, which are not fully developed. This approach is in line with the principle of *maqashid syariah*, which prioritizes benefit and avoids harm, especially for children who are at risk of experiencing negative health and social impacts from early marriage. They also support the implementation of legal regulations as a protective and preventive measure against the adverse effects of child marriage (Azkia, 2019).

In addition, at the 32nd NU Congress in Makassar, the Bahtsul Masail Diniyyah Waqi'iyah Commission decided to allow the practice of 'kawin gantung' or underage marriage on the condition that the couple must remain in the relationship until they reach adulthood and not marry anyone else. It is based on hadith and tradition, which do not explicitly set a minimum age limit, but emphasise readiness for puberty as a condition for the validity of marriage (32nd, 2010).

Unlike NU, Muhammadiyah firmly supports the implementation of a minimum age limit in accordance with government regulations, namely 19 years for both men and women. Muhammadiyah views this restriction on the age of marriage as important to ensure the physical, mental, and social readiness of prospective brides and grooms so that

they can build a *sakinah mawaddah wa rahmah* family. This approach is also based on the principles of public interest and protection against the health and psychological risks that often arise in underage marriages. Muhammadiyah prioritises education and youth empowerment as effective ways to delay the age of marriage for the welfare of individuals and society (Khidhir, 2022).

A Critical Study of the Phenomenon of Early Marriage in Contemporary Muslim Society

In contemporary Islamic family law, human rights form an important foundation in determining and regulating the concept of marriageable age. Fundamental rights related to marriage include the right to welfare, protection from exploitation, and assurance of mental and physical capacity to fulfill marital responsibilities. Therefore, the age limit for marriage is not just a number, but also reflects the protection of individual rights, especially those of women and children, as emphasised in Marriage Law No. 16 of 2019, which raises the minimum age to 19 years for both men and women. This policy is in line with the principle of *maqasid syariah*, which emphasises *maslahah* (benefit), protection of life (*hifzh an-nafs*), intellect (*hifzh al-'aql*), and offspring (*hifzh an-nasl*) as the main elements in establishing legal norms.

The stance of several figures who advocate early marriage is generally based on social, cultural, or religious considerations that view early marriage as a means of preventing promiscuity or promoting family stability. However, from a legal and human rights perspective, early marriage often poses serious risks, such as reproductive health problems in young women, limited education, and a lack of psychological maturity to carry out the institution of marriage, thus creating potential harm.

Legal protection in this context serves to regulate the age requirements and guardian consent in marriage, ensuring that the prospective bride and groom are physically, mentally, socially, and legally ready. In Islamic law, guardian consent and mental maturity are requirements for a valid marriage, so that early marriages without a basis of maturity can be annulled and considered contrary to the principle of human rights protection. With laws and regulations governing the age of marriage, the state fulfils its legal protection function, including granting marriage dispensations only in very limited cases and still prioritising the common good. Educational campaigns and women's empowerment are important to implementing this protection, given the many challenges in enforcing the law, including cultural norms that still permit early marriage.

In short, human rights in the context of marriage age are the protection of an individual's physical and mental well-being and the right of children to enjoy their childhood and education. Legal protection is closely related to ensuring that marriage is carried out by those who have reached maturity and are ready, so that the purpose of marriage benefits all parties in accordance with the principles of modern Islamic law and national legislation (Ahmad, 2023).

The phenomenon of early marriage or underage marriage is still a significant practice in various regions, especially in areas with low socioeconomic backgrounds and strong cultural traditions. For example, in Pinrang District, data shows that the majority of early marriages are performed by women, who are often driven by family economic conditions, lack of education, and pressure from the local community, which believes that marrying young can maintain honour and avoid negative behaviours such as adultery. This practice

often occurs without regard for the ideal physical, mental, and social readiness to build a household, which is a significant concern in modern legal and maqasid sharia studies (Nurdalia Bate, 2023).

The phenomenon of early marriage in Indonesia presents complex challenges when analyzed through the principles of maqasid sharia, which emphasize comprehensive protection of five main aspects, namely religion (hifz al-din), life (hifz an-nafs), intellect (hifz al-'aql), lineage (hifz an-nasl), and property (hifz al-mal). The amendment to Law No. 16 of 2019, which raises the minimum age of marriage to 19 years for both men and women, is a national legal effort to realize protection in line with these maqasid values, especially in protecting life and offspring. This step is a response to various medical and psychological vulnerabilities and developmental disorders due to early marriage. However, social reality shows a significant gap between formal regulations and practices in the field, where child marriage dispensations are still rampant for various reasons that are often difficult to justify legally and in terms of child protection, including cultural pressure and the influence of conservative religious leaders who advocate early marriage. It is where maqasid sharia offers an important analytical framework by emphasizing *maslahah* (benefit) and *mafsadah* (harm). Early marriage that occurs without biological, mental, and social readiness has the potential to cause significant harm to both individuals and society at large, beyond simply fulfilling the normative age limit—a recent study by Fernanda (Ahmad Fernanda, 2024). Normatively and empirically, it reinforces not only the need for harmonization between Sharia rules and values but also underlines the importance of cross-sect collaboration between the government, religious leaders, and civil society for education and effective monitoring. This multidisciplinary approach is relevant to reducing the rate of early marriage while upholding the rights of children and women from a humanitarian and humanistic Islamic legal perspective. This research fills a gap in previous studies, which have mainly focused on formal legal aspects without addressing the social-cultural complexities and contemporary religious dynamics. The novelty of this study lies in its comprehensive integration of maqasid sharia with national legal practices and cultural influences that strengthen or weaken regulations, thereby providing applicable and inclusive policy recommendations. It is an important milestone in restoring the true meaning of sharia as a means of achieving the people's goals in a modern context.

D. Conclusion

The substance of marriage-age regulations in Indonesia has undergone significant harmonization through Law No. 16 of 2019, which sets a minimum age of 19 for both men and women. This regulation aims to protect children from the physical and mental health risks of early marriage, while promoting psychological and social readiness. This regulation is also in line with developments in Islamic family law in several other Muslim countries, which consider biological and mental maturity and social readiness as the leading indicators of readiness, the principle of individual readiness, while maintaining the harmonization of maqasid sharia, mainly to protect the soul (hifz an-nafs), reason (hifz al-'aql), and offspring (hifz an-nasl). Regarding the relevance of the concept of marriage age to the views of those who support early marriage, research shows substantial differences in their views. Some religious and community leaders object to setting an absolute age limit and advocate early marriage on the grounds of preventing adultery and maintaining morality.

In contrast, others reject the practice of early marriage because of the potential health and psychological harm to the couple and their children. This phenomenon illustrates the dynamics and challenges of harmonizing classical religious values with the need to protect children's rights and gender equality in accordance with modern positive law. This study recommends a multidisciplinary approach that integrates the values of maqashid sharia with modern legal regulations by strengthening socialization, education, and law enforcement supervision. This approach must involve religious leaders, the government, social institutions, and the wider community to encourage cultural change and ensure optimal protection for children and women. The maqashid syariah approach provides a holistic, humanistic normative framework to harmonize the concerns of religion, society, and the state, thereby creating a healthy, just, and prosperous society.

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